

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

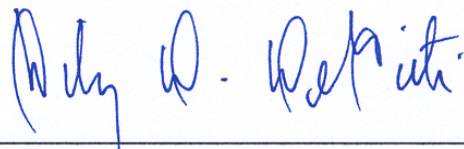
BILLY RAY MADDOX,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-12-445-D
)	
WARDEN UPTON,)	
)	
Respondent.)	

ORDER OF DISMISSAL

This matter is before the Court for review of the Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Purcell recommends that the Petition for relief under 28 U.S.C. § 2241 be dismissed upon filing because Petitioner's exclusive remedy is a motion under 28 U.S.C. § 2255 in the Northern District of Texas. Petitioner has failed to file a timely objection, and has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and the reasons fully explained by Judge Purcell, the Court finds that the Petition should be dismissed without prejudice for lack of jurisdiction.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 8] in its entirety. The Petition is dismissed without prejudice.

IT IS SO ORDERED this 2nd day of July, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE